

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANK GIBSON,)
Plaintiff,)
-v-)
CALHOUN COUNTY, JARROD GOODRICH,)
SCOTT HAMILTON, SCOTT AUSTAD,)
JEREMY MASTERS, and MIKE ZALESKI,)
Defendants.)
_____)

No. 1:12-cv-1229

HONORABLE PAUL L. MALONEY

ORDER AMENDING JUDGMENT

This Court recently denied the parties’ stipulation for dismissal of the lawsuit. As part of that stipulation, the parties noted that, because the lawsuit settled, the parties did not litigate the issue of liability and this Court did not make any determinations as to liability. Nevertheless, in the Rule 58 Judgment, the Court entered judgment in favor of Plaintiff and against Defendants.

As allowed by Rule 60(a), a court may, on its own, correct a mistake arising from a clerical error, oversight, or omission. *See American Trucking Ass’ns v. Frisco Transp. Co.*, 358 U.S. 133, 145 (1958). As the parties have correctly noted, liability was never determined during the litigation of the lawsuit. Therefore, the Court exercises its authority to correct the Judgment issued in this case. No new separate document is required. *See Fed. R. Civ. P. 58(a)(5)*. The Amended Judgment shall read:

The court has reviewed and approved a stipulation by the parties to settle the case. In exchange for \$91,000, Frank Gibson agrees that the causes of action in his complaint are **DISMISSED WITH PREJUDICE AND WITHOUT COSTS.**

As required by Rule 58 of the Federal Rules of Civil Procedure, this **JUDGMENT** issues.

THIS ACTION IS TERMINATED.

IT IS SO ORDERED.

Date: July 17, 2014

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge